



U.S. Immigration
and Customs
Enforcement

April 18, 2005

News Release

U.S. DEPORTS CRIMINAL ALIEN WHO NEVER FULFILLED PUBLIC OATH CEREMONY REQUIREMENT

Attorney General affirms in felon's case that public oath is required to obtain citizenship

MIAMI-- U.S. Immigration and Customs Enforcement announced today the deportation of criminal alien Celestine Ifeanacho Okafor, a native and citizen of Nigeria who contended he could not be deported because he was a United States citizen despite failing to participate in the required public oath of allegiance ceremony.

Ultimately, the Attorney General of the United States reaffirmed that taking the oath of allegiance to the United States at a public ceremony or before a court is required except in certain circumstances such as when an applicant is permanently incapacitated or disabled.

"Essentially, there's no such thing as 'almost a citizen' and completing part of the process isn't good enough," said ICE Office of Detention and Removal Director Victor X. Cerda. "The Attorney General established procedures for citizenship that must be undertaken by the person seeking naturalization. That includes making an oath of allegiance at either a public ceremony or before a court. The only exemptions are permanent incapacity or disability. In Okafor's case, he was neither incapacitated or disabled."

Okafor entered the country in 1990 and married a U.S. citizen, becoming a Legal Permanent Resident in 1991. He applied for naturalization in 1994. On March 31, 1995, Okafor attended a citizenship interview to answer questions pertaining to his naturalization application. At that time, he signed a printed document bearing the oath of renunciation and allegiance that is required of all persons applying for citizenship and he was recommended to be approved for citizenship. However, he never participated in the public oath ceremony and never received a certificate of naturalization.

On Nov. 7, 1997, Okafor was convicted of separate conspiracies to commit mail fraud, wire fraud and money laundering. Under federal immigration law, felony criminal convictions render aliens deportable. Okafor was ordered to appear before an immigration judge because of his convictions in order to have his legal immigration status determined.

Okafor contended before the judge that he was a U.S. citizen because he signed the printed oath during the naturalization interview. The judge, however, ruled that Okafor was not a citizen because the law specifically requires the oath of allegiance to be given at a public ceremony or a court ceremony. Subsequently, on March 1, 2000, the judge ordered Okafor deported as a criminal alien. Okafor appealed the decision to the Board of Immigration Appeals.

The board determined that, in signing the printed oath before the interviewing immigration official, Okafor completed the naturalization process. However, the commissioner of the now-defunct Immigration and Naturalization Service requested the opinion of the Attorney General, who overruled the board.

ICE

U.S. Immigration and Customs Enforcement is the largest investigative arm of the Department of Homeland Security.